



PATENT  
Docket No. 426882000600

DAC  
✓

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on April 26, 2002.

*Melissa Garton*

Melissa Garton

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chris SCOTTO et al.

Serial No.: 09/938,328

Filing Date: August 23, 2001

For: METHOD FOR GUIDING A BUSINESS  
AFTER AN INITIAL FUNDING STATE  
TO AN INITIAL PUBLIC OFFERING  
READINESS STATE

Examiner: Not yet assigned

Group Art Unit: 2162

**RECEIVED**

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OFFICE OF PETITIONS

**TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION**

**Box Missing Parts**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f) dated September 26, 2001, attached please find:

- ☒ A Petition for Extension of Time.
- ☒ A Declaration signed by the inventor(s) and the surcharge of \$130.00 as set forth in 37 C.F.R. § 1.16(e).
- ☒ A Prosecution by Assignee and Power of Attorney under 37 CFR 3.71
- ☒ An Assignment for recording under separate cover sheet.
- ☒ A Petition under 37 CFR 1.47(a) for the Unavailability of a Joint Inventor to Join in an Application and Declaration of Kevin R. Spivak
- ☒ Other: Copy of the Notice to File Missing Parts Formalities Letter.

The filing fee has been calculated as follows:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	- 20 =		x \$18.00	\$0
INDEPENDENT CLAIMS	- 3 =		x \$84.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$0
			BASIC FEE	\$740.00
			TOTAL OF ABOVE CALCULATIONS =	\$740.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$0
DECLARATION SURCHARGE				\$130.00
PETITION UNDER 37 CFR 1.47(a) SURCHARGE				\$130.00
			TOTAL =	\$1,000.00

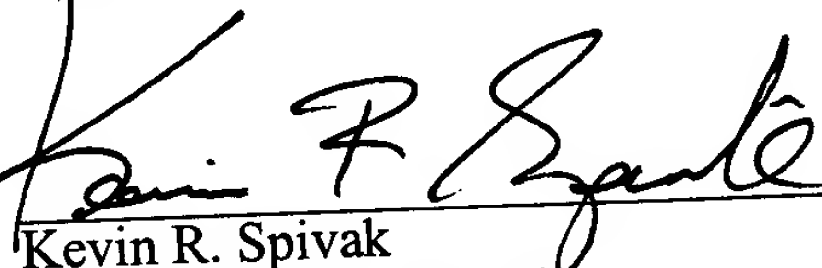
☒ Charge \$1,000.00 to **Deposit Account No. 03-1952** Reference: 426882000600.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 03-1952**. A duplicate copy of this transmittal is enclosed for that purpose.

Dated: April 26, 2002

Respectfully submitted,

By:

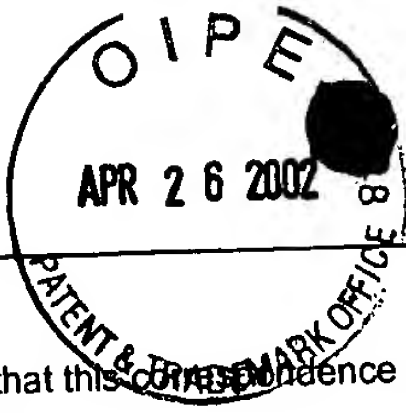
  
Kevin R. Spivak  
Registration No. 43,148

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 887-6924  
Facsimile: (202) 263-8396

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Chris SCOTTO et al.

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Examiner: Not yet assigned

Group Art Unit: 2162

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**PETITION FOR EXTENSION OF TIME**  
**37 CFR 1.136(a)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant petitions the Commissioner for Patents under 37 CFR 1.136(a), for a five-month extension of time to respond to the outstanding Missing Parts dated September 26, 2001. This petition will extend the period for response from November 26, 2001 to April 26, 2002.

- ☒ A five-month extension is requested; the extension fee is \$1,960.00.
- ☒ Charge \$1,960.00 to **Deposit Account No. 03-1952** referencing docket no. 426882000600.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 that may be required by this petition, or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 426882000600. A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,

By:

*Kevin R. Spivak*  
Kevin R. Spivak

Registration No. 43,148

Dated: April 26, 2002

04/29/2002 TBESHAH1 00000022 031952 09938328

04 FC:128 1960.00 CH

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 887-6924  
Facsimile: (202) 263-8396



## UNITED STATES PATENT AND TRADEMARK OFFICE

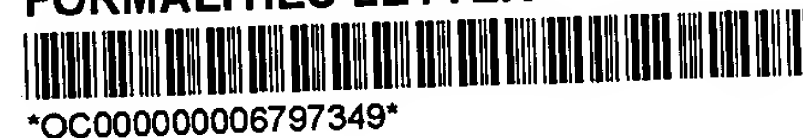
 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APR 26 2002

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/938,328	08/23/2001	Chris Scotto	426882000600

CONFIRMATION NO. 9977

## FORMALITIES LETTER



\*OC000000006797349\*

 Kevin R. Spivak  
 Morrison & Foerster LLP  
 Suite 5500  
 2000 Pennsylvania Avenue, N.W.  
 Washington, DC 20006-1888

SEP 27 2001

Date Mailed: 09/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/29/2002 TBESHAH1 00000022 031952 09938328

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 CH
02 FC:105	130.00 CH
03 FC:122	130.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS



#1  
PATENT  
Docket No. 426882000600

### DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD FOR GUIDING A BUSINESS AFTER AN INITIAL FUNDING STATE TO AN INITIAL PUBLIC OFFERING READINESS STATE, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 23, 2001 as United States Application Serial No. 09/938,328.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

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Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned


Please direct all communications to:

Kevin R. Spivak  
Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888

Please direct all telephone calls to Kevin R. Spivak at (202) 887-6924.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/20/02  
Date

  
Name: Chris SCOTTO  
Residence: 408 Belvedere Lane, Weddington, North Carolina, 28173  
Citizenship: U.S.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Greg BOYER  
Residence: 1563 Onyx Drive #201, McLean, Virginia, 22102  
Citizenship: U.S.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Robert HOPE  
Residence: 13327 Zachary Taylor Circle, Herndon, Virginia, 20171  
Citizenship: U.S.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Maureen KREZMIEN  
Residence: 206 Sycamore Drive, Seven Fields, Pennsylvania, 16046  
Citizenship: U.S.

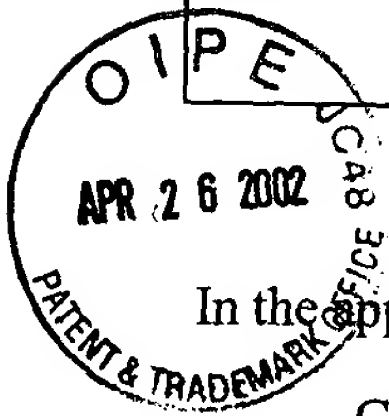
\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Andrew HOPKINS  
Residence: 6925 Clayton Avenue, Dallas, Texas, 75214  
Citizenship: U.S.

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on April 26, 2002.

Melissa Garton  
Melissa Garton



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chris SCOTTO et al.

Serial No.: 09/938,328

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READINESS STATE

Examiner: Not yet assigned

Group Art Unit: 2162

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OFFICE OF PETITIONS

**PETITION UNDER 37 CFR 1.47(a) FOR THE  
UNAVAILABILITY OF A JOINT INVENTOR TO JOIN IN AN APPLICATION  
AND DECLARATION OF KEVIN R. SPIVAK**

I, Kevin R. Spivak, do hereby solemnly declare as follows:

1. Unless otherwise indicated, I have personal knowledge of all of the facts presented in this Declaration.
2. I am presently employed by Morrison & Foerster, LLP, 2000 Pennsylvania Avenue, N.W., Washington, D.C., 20006, as a patent attorney.
3. United States Patent Application Serial No. 09/938,328 was filed August 23, 2001 [ hereinafter referred to as "this application"] in the United States Patent and Trademark Office.
4. Chris SCOTTO, Greg BOYER, Robert HOPE, Maureen KREZMIEN, and Andrew HOPKINS, the joint inventors of the subject matter of this application, were all, at the time that the subject matter was invented, employees of Andersen Consulting (now Accenture Global Services, GmbH) [hereinafter referred to as Accenture], the Swiss corporation to which all of the rights in the present application have been assigned. An assignment has been executed by inventors, Chris SCOTTO, Robert Hope, Maureen KREZMIEN and Andrew HOPKINS, and is submitted herewith for recordation by the

dc-313285

04/29/2002 TBESHM1 00000022 09938328

01 FC:101  
02 FC:105  
03 FC:122  
740.00 CH  
130.00 CH  
130.00 CH



U.S. Patent and Trademark Office. A Termination Certification and Conditions of Employment has been executed by inventor, Greg BOYER, indicating that he assigns his rights to all of his inventions over to the employer, Accenture (See Exhibit A).

5. Upon receipt of the Notice to File Missing Parts for the above-identified application, I prepared Declaration and Assignment documents for execution by the inventors and sent these documents by UPS to Accenture on February 6, 2002.

6. We sent the Declaration and Assignment documents directly to each of the inventors on February 13, 2002. The enclosed Declaration and Assignment documents were sent by UPS to each of the above-mentioned inventors, including Greg BOYER.

7. On March 6, 2002, my secretary, Melissa Garton, contacted Accenture by email and phone to remind them of the pending due dates in this case and that we were still awaiting a counterpart signature on the Declaration and Assignment documents from inventor Greg BOYER. We were informed that Mr. Boyer could not be reached by Accenture. A copy of the March 6, 2002 email is attached as Exhibit B.

8. On April 1, 2002, I received a phone call from Erwin J. Basinski, a colleague in our San Francisco office who also provides counsel to Accenture, requesting a further status on this application. I advised him that we were still awaiting a counterpart signature on the Declaration and Assignment documents from inventor Greg BOYER. Additionally, I informed Mr. Basinski of the last known address for Mr. Boyer. A copy of the April 1, 2002 email is attached as Exhibit C.

9. On April 2, 2002, Mr. Basinski forwarded an e-mail message to me verifying that inventor Greg BOYER was no longer an employee of Accenture, and a review of his personnel records indicated that the address we had in our file was also the last known address that Accenture had for inventor Greg BOYER. Mr. Basinski was, however, able to provide me with a home telephone number for inventor Greg BOYER. A copy of the April 2, 2002 email is attached as Exhibit D.

10. On April 4, 2002, I attempted to call inventor Greg BOYER by telephone, but, the phone number was no longer in service and there was no forwarding number.



11. On April 12, 2002, the UPS letter address to 1563 Onyx Drive #201, McLean, Virginia, 22102, the last known address of Greg BOYER was returned because Mr. Boyer no longer resides at the address provided. No forwarding address was available. The returned mail is marked Exhibit E.

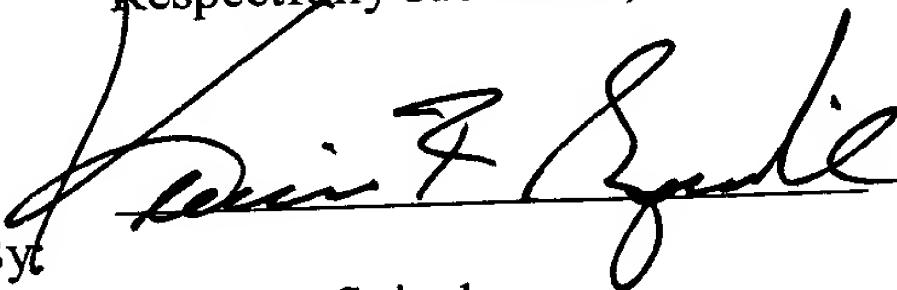
12. Mr. Boyer's obligation to assign the patent to Accenture is evidenced by his conditions of employment, which states that he has "completely and fully reported to the Firm any inventions and original works of authorship, conceived or made by me (solely or jointly with others), during the course of my employment with the Firm, to which the Firm retains all rights of ownership." A copy of Mr. Boyer's Termination Certificate and Conditions of Employment is shown as Exhibit A, wherein he confirmed receipt by signing a return copy.

13. As of the date of this Declaration, a copy of the Declaration and Assignment documents have not been signed by Mr. Greg Boyer and have not yet been returned to either myself or Accenture because the inventor, Greg BOYER, cannot be located.

14. I do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: April 26, 2002

Respectfully submitted,

By: 

Kevin R. Spivak  
Registration No. 43,148

Morrison & Foerster LLP  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1888  
Telephone: (202) 887-6924  
Facsimile: (202) 887-0763

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

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02.18.02

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Citizenship: U.S.

Date

Name: Maureen KREZMIEN  
Residence: 206 Sycamore Drive, Seven Fields, Pennsylvania, 16046  
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NOTE

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Date

Name: Maureen KREZMIEN  
Residence: 206 Sycamore Drive, Seven Fields, Pennsylvania, 16046  
Citizenship: U.S.

Date

02/20/2002

Name: Andrew HOPKINS  
Residence: 6925 Clayton Avenue, Dallas, Texas, 75214  
Citizenship: ~~U.S.~~ U.K.



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Examiner: Not yet assigned

Group Art Unit: 2162

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OFFICE OF PETITIONS

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 CFR 3.71**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Accenture Global Services GmbH, the assignee of the entire right, title and interest in this patent application, under 37 CFR 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
Mehran Arjomand (Reg No. 48,231)  
Sanjay S. Bagade (Reg No. 42,280)  
Shantanu Basu (Reg No. 43,318)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Alex Chartove (Reg No. 31,942)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Karen B. Dow (Reg No. 29,684)

Randolph Ted Apple (Reg No. 36,429)  
Laurie A. Axford (Reg No. 35,053)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas Chuang (Reg No. 44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
David Devernoe (Reg No. P-50,128)  
Stephen C. Durant (Reg No. 31,506)

Carolyn A. Favorito (Reg No. 39,183)  
 Hector Gallegos (Reg No. 40,614)  
 Deborah S. Gladstein (Reg No. 43,636)  
 Kenneth R. Glick (Reg No. 28,612)  
 Johnney U. Han (Reg No. 45,565)  
 Alan S. Hodes (Reg No. 38,185)  
 Kelvan P. Howard (Reg No. P48,999)  
 Wayne Jaeschke, Jr. (Reg No. 38,503)  
 Parisa Jorjani (Reg No. 46,813)  
 Richard C. Kim (Reg No. 40,046)  
 Lawrence B. Kong (Reg No. P49,043)  
 Glenn Kubota (Reg No. 44,197)  
 Michael J. Mauriel (Reg No. 44,226)  
 Philip A. Morin (Reg No. P-45,926)  
 Mabel Ng (Reg No. P48,922)  
 Catherine M. Polizzi (Reg No. 40,130)  
 Robert E. Scheid (Reg. No. 42,126)  
 Terri Shieh-Newton (Reg No. 47,081)  
 Stanley H. Thompson (Reg No. 45,160)  
 Brenda J. Wallach (Reg No. 45,193)  
 E. Thomas Wheelock (Reg No. 28,825)  
 Eric Witt (Reg No. 44,408)  
 David T. Yang (Reg No. 44,415)  
 George C. Yu (Reg No. 44,418)

David L. Fehrman (Reg No. 28,600)  
 Thomas George (Reg No. 45,740)  
 Debra J. Glaister (Reg No. 33,888)  
 Bruce D. Grant (Reg No. 47,608)  
 Douglas G. Hodder (Reg No. 41,840)  
 Charles D. Holland (Reg No. 35,196)  
 Jill A. Jacobson (Reg No. 40,030)  
 Madeline I. Johnston (Reg No. 36,174)  
 Ararat Kapouytian (Reg No. 40,044)  
 Cameron A. King (Reg No. 41,897)  
 Kawai Lau (Reg No. 44,461)  
 Rimas T. Lukas (Reg No. 46,451)  
 Gladys H. Monroy (Reg No. 32,430)  
 Kate H. Murashige (Reg No. 29,959)  
 Martin M. Noonan (Reg No. 44,264)  
 Phillip Reilly (Reg No. 41,415)  
 Debra A. Shetka (Reg No. 33,309)  
 Kevin R. Spivak (Reg No. 43,148)  
 Thomas L. Treffert (Reg No. P48,279)  
 Michael R. Ward (Reg No. 38,651)  
 Todd W. Wight (Reg No. 45,218)  
 Frank Wu (Reg No. 41,386)  
 Peter J. Yim (Reg No. 44,417)  
 Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 2000 Pennsylvania Avenue, N.W., Washington, D.C., 20006,  
 telephone (202) 887-1500, and

Wayne P. Sobon (Reg No. 32,438)

John F. Rollins (Reg No. 38,013)

all of Accenture LLP, 1661 Page Mill Road, Palo Alto, California 94304, telephone (650) 213-  
 2000 to prosecute this application and transact all matters in the United States Patent and  
 Trademark Office connected therewith, said appointment to be to the exclusion of the inventors  
 and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one  
 of said attorneys or agents ceases being affiliated with the law firm and company indicated  
 above, employee or of counsel, such attorney's or agent's appointment as attorney or agent and  
 all powers derived therefrom shall terminate on the date such attorney or agent's appointment as  
 attorney or agent and all powers derived therefrom shall terminate on the date such attorney or  
 agent ceases being so affiliated.

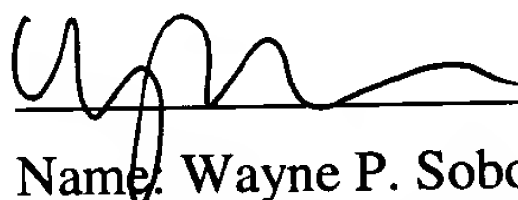
Please direct all written communications relative to this application to:

Kevin R. Spivak  
Morrison & Foerster <sup>LLP</sup>  
2000 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006

Please direct all telephone communications to Kevin R. Spivak at (202) 887-1500.

Accenture Global Services GmbH  
a Switzerland corporation

Dated: Feb 26, 2002



Name: Wayne P. Sobon  
Title: Manager and Director of Intellectual Property  
Address: 1661 Page Mill Road, Palo Alto,  
California 94304



AND said assignors hereby authorize and request each relevant patent office to issue said Letters Patent to AGS as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of AGS, its successors, legal representatives and assigns.

IN TESTIMONY WHEREOF, the assignors have executed this Assignment.

_____ Date	_____ Chris SCOTTO
_____ Date	_____ Greg BOYER
02.18.02 _____ Date	_____ Robert HOPE
_____ Date	_____ Maureen KREZMIEN
_____ Date	_____ Andrew HOPKINS



**NOTE**

Attorney Docket No.: 426882000600

AND said assignors hereby authorize and request each relevant patent office to issue said Letters Patent to AGS as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of AGS, its successors, legal representatives and assigns.

IN TESTIMONY WHEREOF, the assignors have executed this Assignment.

Date

Chris SCOTTO

Date

Greg BOYER

Date

Robert HOPE

Date

2.21.02

Maureen KREZMIEN

Date

Andrew HOPKINS

AND said assignors hereby authorize and request each relevant patent office to issue said Letters Patent to AGS as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of AGS, its successors, legal representatives and assigns.

IN TESTIMONY WHEREOF, the assignors have executed this Assignment.

Date

Chris SCOTTO

Date

Greg BOYER

Date

Robert HOPE

Date

Maureen KREZMIEN

Date

02/20/2002

Andrew HOPKINS

**ANDERSEN  
CONSULTING****Exhibit A****TERMINATION CERTIFICATION  
FOR U.S. PERSONNEL AND FOR PERSONNEL  
OUTSIDE OF THE U.S., WHERE APPLICABLE**

This is to certify that I do not have in my possession, nor have I failed to return: (1) computer software in any form or medium belonging to Andersen Consulting LLP and/or any of its divisions, affiliated entities, successors and assigns ("the Firm") or any of its clients; (2) any information or materials intended to be of a confidential nature and in any way pertaining to any of the Firm's computer software products or those of its clients; (3) any information or materials intended to be of a confidential nature obtained during the course of my employment by the Firm; or (4) any records, documents, data, laboratory sketches, notes, reports, proposals, or copies of them, or other documents or materials, equipment or other property belonging to the Firm, or any of its clients.

→ I further certify that I have complied with and will continue to comply with all the terms of the Firm's policies as set forth in the Andersen Consulting Policies database, and in particular the policies reflected therein relating to confidentiality and intellectual property rights. I acknowledge having read and understood my obligations stated in such policies within the Andersen Consulting Policies database, shortly after the commencement of my employment with the Firm. I hereby reaffirm my understanding of these obligations.

\_\_\_\_\_ I certify that I have fully and completely reported to the Firm any inventions and original works of authorship, conceived or made by me (solely or jointly with others), during the course of my employment with the Firm, to which the Firm retains all rights of ownership.

I further agree that I will preserve as confidential all trade secrets and confidential knowledge, data or other proprietary information relating to products, processes, know-how, designs, mask works, formulas, test data, computer programs and databases and other original works of authorship, consumer lists, business plans, marketing plans and strategies and pricing strategies or other subject matter pertaining to any business of the Firm or any of its clients, customers, consultants, licensees or affiliates.

Dated: \_\_\_\_\_

Feb 29 199 2000  
Gregory A. Bayer  
Signature  
Gregory A. Bayer  
Print Name

Distribution of Copies:  
Original - Local Personnel File  
Copy - Terminating Employee

Andersen Consulting. Form P-6C (3/96). Printed in U.S.A.

**RECEIVED**  
APR 3 0 2002  
OFFICE OF PETITIONS

Andersen Consulting LLP  
Suite 3200  
1225 17th Street  
Denver, Colorado 80202-5532  
(303) 295-0011

**November 21, 1997**

**Gregory A. Boyer**  
6006 D Rock Cliff Lane  
Alexandria, VA 22315

**Dear Greg:**

We were very impressed with your professional experience and qualifications, and as a result, I am pleased to extend an employment offer to you to join Andersen Consulting's Washington D.C. office as a Manager in our Process Competency Group, National Specialty Practice / PACE!. This letter will officially confirm the terms of your employment. If you have questions about anything in this letter, please feel free to call me at (303) 291-8752.

Your salary will be \$80,500.00 per annum, payable semi-monthly in arrears. Your first salary review will take place as of September, 1998. In addition to your annual compensation, you will receive a one-time bonus of \$15,000.00. This bonus will be paid to you on the date you receive your first paycheck, and is subject to income tax withholdings based on the W-4 form you submit on your first day. If for any reason your employment is terminated within twelve months of your start date, you agree that you will return to Andersen Consulting a pro-rata portion of your bonus upon your termination. Further, you also agree that Andersen Consulting may withhold and deduct up to such pro-rata portion from any sums Andersen Consulting may owe you at that time.

An extensive benefits program including medical, dental and short and long-term disability benefits, child and elder care referral, employee assistance and pre-tax reimbursement accounts is available to you upon employment, subject to the standard eligibility requirements. Some benefits, such as the profit sharing plan, require a period of employment before you are eligible for participation. However, you may rollover any existing profit sharing or 401(k) plans into the firm's plan at any time. I have enclosed a brochure which describes our benefit plans. However, if you have specific questions which are not addressed in the brochure, I can refer you to our Benefits Coordinator. In addition, you will be eligible for four weeks of vacation accrual per annum.

**There are a series of disclosures and employment conditions to which you will be subject. These conditions and disclosures are required either by law, by professional standards, or by firm policy. I have attached these conditions of employment and would ask that you review them and return the acknowledgment copy to Leann Harston in the envelope provided**

# ANDERSEN CONSULTING

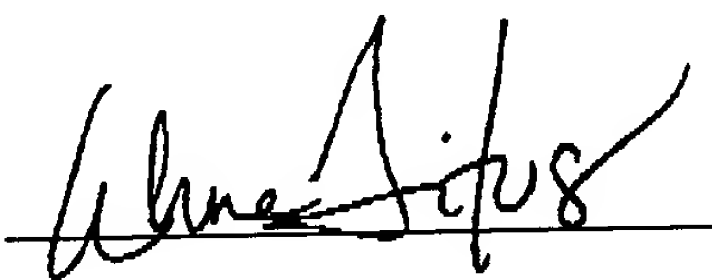
Gregory A. Boyer  
November 21, 1997

along with your signed acknowledgment of this offer. I think you will find them all to be rather standard to consulting firms.

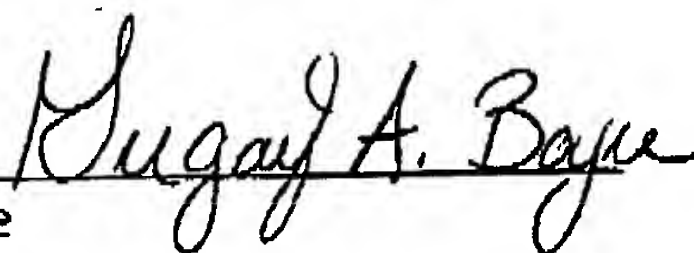
Greg, I look forward to hearing from you regarding your decision to join Andersen Consulting. In the meantime, please do not hesitate to call me should you have anything you would like to discuss further.

Warmest personal regards,

ANDERSEN CONSULTING LLP

By: 

Acknowledged:

  
Signature

November 25, 1997  
Date

Enclosures:

Self addressed stamped envelope  
One copy of offer letter for Recruits personal files  
Conditions of Employment  
Benefits For You brochure

# ANDERSEN CONSULTING

Gregory A. Boyer  
November 21, 1997

## Conditions of Employment

- Andersen Consulting is extending this offer contingent upon your completion of our Personal Data Sheet for Experienced Personnel, a satisfactory independent verification and credit/background check, and on the understanding that (1) your joining the firm will not violate any agreement to which you are or have been a party; (2) you will not use or disclose to the firm any confidential or proprietary information obtained from a third party prior to your employment; and (3) you will comply with all applicable firm policies and standards and shall perform your services in a manner consistent with the ethical and professional standards of the firm.
- Due to The Immigration Reform and Control Act of 1986, we are required to establish the employment authorization and identity of each person we hire. In order to comply, you will need to bring the appropriate documentation described in the attached memorandum on your first day of employment. Photocopies of the documents will be made and the originals will be returned to you the same day.
- Employment with Andersen Consulting is At Will. This means that your employment is terminable at any time, for any reason, by either you or the firm.
- The firm's two greatest assets are its people and its clients. We are committed to hiring the best and our investment in developing our personnel is second to none. Given our commitment, we must protect this investment so that we can provide our people the opportunity for growth and success. Today, there is an increased risk of losing clients or our investment in our people whenever one of our executive level employees leaves the firm. Recognizing these business realities, we have adopted the following policies:
  - If you leave the firm, for eighteen months after release or resignation, you agree not to perform professional services (of the type you provided) for any client of the firm on which you worked during the eighteen months prior to release or resignation. This does not prohibit you from accepting employment with a client.
  - For eighteen months after you leave the firm, you agree not to solicit (to perform professional services of the type you provided) any client of the firm's office(s) to which you were assigned during the eighteen months preceding release or resignation.
  - You agree not to solicit away from the firm any of its professional personnel for eighteen months after release or resignation.
- Upon your release or resignation, you agree not to release, retain, copy, or utilize any confidential, privileged, or proprietary information or property of the firm or its clients. All discoveries, inventions, or techniques developed in the course of your employment belong to the firm and will be disclosed and assigned to it by you.





**Garton, Melissa A.**

---

**From:** Garton, Melissa A.  
**Sent:** March 06, 2002 10:35 AM  
**To:** Cohen, Valerie L.; Spivak, Kevin R.  
**Cc:** Basinski, Erwin J.  
**Subject:** RE: 42688-2000600

Valerie:

We were in the process of sending out another reminder on the above case.

As you know, we overnighted revised documents for signature by each of the inventors. The status as of today is that we have received the counterpart signatures on the Dec & Assign from:

Robert Hope  
Maureen Krezmien  
Andrew Hopkins

We have NOT received forms back from:

Chris Scotto  
Greg Boyer

Also, the last email I got from Sharon Hess indicated that Wayne Sobon was out until 2/26 and that she would have him sign the POA when he got back. We haven't received anything yet.

We're working on a current deadline of 3/26/02 which is extendible until 4/26/02. Please let me know how you'd like us to proceed. We won't send out any further reminders until hearing back from you. Thanks!

Melissa Garton  
Secretary to Kevin R. Spivak  
Morrison & Foerster LLP  
2000 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(ph) 202-862-1921  
(fx) 202-263-8396  
mgarton@mofo.com

-----Original Message-----

**Fr m:** Cohen, Valerie L.  
**Sent:** March 05, 2002 7:10 PM  
**To:** Spivak, Kevin R.  
**Cc:** Garton, Melissa A.; Basinski, Erwin J.  
**Subject:** 42688-2000600

I hate to be a pest, but how are we coming along with the missing parts? I know this is the case that we had to redo all of the paperwork.

I need to give Accenture a status. THANKS!!

*Valerie L. Cohen*  
*Patent Assistant*  
*Morrison & Foerster, LLP*  
*San Francisco, CA*

**Spivak, Kevin R.**

---

**From:** Garton, Melissa A.  
**Sent:** April 01, 2002 2:52 PM  
**To:** Basinski, Erwin J.; Cohen, Valerie L.  
**Cc:** Spivak, Kevin R.  
**Subject:** Re: 42688-20006.00

Erv:

Further to your conversation with Kevin, below is the last known address we have in the file for Greg Boyer:

Greg Boyer  
1563 Onyx Drive #201  
McLean, Virginia 22102

The revised documents were sent to him (and all the other inventors) by UPS on February 13, 2002, for which we have not received a response. Please let us know when you hear back from Accenture and we will be happy to handle whatever else needs to be done with regard to the Declaration & Assignment documents.

Thanks.

Melissa Garton  
Secretary to Kevin R. Spivak  
Morrison & Foerster LLP  
2000 Pennsylvania Ave., N.W.  
Washington, D.C. 20006  
(ph) 202-862-1921  
(fx) 202-263-8396  
mgarton@mofo.com

**Spivak, Kevin R.**

From: Basinski, Erwin J.  
 Sent: April 02, 2002 2:39 PM  
 To: Spivak, Kevin R.; Garton, Melissa A.  
 Cc: Basinski, Erwin J.; Cohen, Valerie L.  
 Subject: FW: Erv Basinski - Morrison Foerster

Importance: High



a9e7ad55.tif

Kevin & Melissa,

See the attached. You can use the attached documents as evidence of Mr. Boyer's agreement to assign his rights to Accenture. Notice that the inspection of his employment records reveals that his last known address is the same as the one you have. There is a phone no. however which you should call if you haven't already. Please proceed to do those things that are required to evidence that you have attempted to contact Mr. Boyer as required by 37 CFR 1.47(a) and 35 USC 116 and MPEP 409.03(a). Further to the preparation of this affidavit, I will fax you a copy of a "decision Refusing Status Under 37 CFR 1.47(a)" in another case like this one, which describes in painful detail the steps that the PTO suggests you take in this type of search for the missing inventor.

Kevin or Melissa please send me you fax no.

Erv

-----Original Message-----

From: toni.l.corban@accenture.com [mailto:toni.l.corban@accenture.com]  
 Sent: April 02, 2002 11:00 AM  
 To: Basinski, Erwin J.  
 Cc: gloria.j.huerta@accenture.com; katherine.n.ovadia@accenture.com  
 Subject: RE: Erv Basinski - Morrison Foerster

Hi Erv. Attached please find a copy the following documents contained in Gregory Boyer's personnel file, there was no stand-alone IP agreement in his file:

Termination Certification, signed at time of termination, states "I further certify that I have complied with and will continue to comply with all the terms of the Firm's policies as set forth in the Andersen Consulting Policies database, and in particular the policies reflected therein relating to confidentiality and intellectual property rights....I further certify that I have fully and completely reported to the Firm any inventions and original works of authorship, conceived or made by me (solely or jointly with others), during the course of my employment with the Firm, to which the Firm retains all rights of ownership.:

Offer letter, signed, including conditions of employment document, states "Upon release or resignation, you agree not to release retain, copy or utilize any confidential, privileged or proprietary information or property of the firm or its clients. All discoveries, inventions, or techniques developed in the course of your employment belong to the firm and will be disclosed and assigned to it by you."

(See attached file: a9e7ad55.tif)

His last address on file is: 1563 Onyx Drive, Apartment 201, McClean, VA 22102, Phone # (703) 442-4948

Please call me with any questions.

Kevin Spivak called on 4/4/02 and the operator stated this number was "Not in Service -- no forwarding number"

Place Labels in This Space

O MORRISON & FOERSTER LLP  
(202) 887-1670  
2000 PENNSYLVANIA AVENUE, NW  
WASHINGTON DC 20006-1812

LTR 1 OF 1

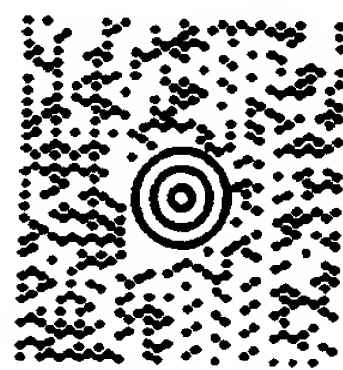
SHIP TO:

**RETURN TO SHIPPER**

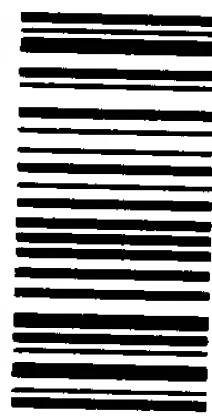
REASON FOR RETURN:

RECEIVER MOVED, NOT DELIVERED  
ORIGINAL RECEIVER:  
BOYER, G

12/Apr/2002 18:56 02201



DC 200 0-90



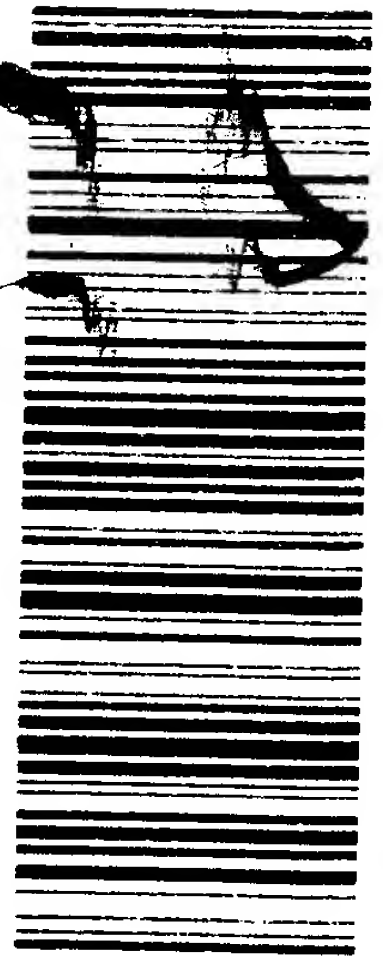
MORRISON & FOERSTER LLP  
2000 PENNSYLVANIA AVENUE, NW  
WASHINGTON, D.C. 20006-1888

KRS/Mulvey

Greg BOYER  
1563 Onyx Drive #201  
McLean, Virginia 22102

UPS NEXT DAY AIR

TRACKING #: 1Z 576 4E7 01 4003 8678



BILLING: P/P